

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**GLYNN DAVIS, EUGENE BROMBOLICH,
and EUGENE FORNERIS, individually and
on behalf of all those similarly situated,**

Plaintiffs,

v.

SOLUTIA, INC. EMPLOYEES' PENSION PLAN,

Defendant.

Case No. 05-cv-736-DRH

ORDER

HERNDON, District Judge:

This matter comes before the Court on Applicants' Motion to Intervene (Doc. 70). Applicants are The Monsanto Company Pension Plan and The Monsanto Company, currently defendants in a case before this Court, captioned ***Walker v. Monsanto, Case No. 04-cv-436-DRH***. In the ***Walker*** case, Applicants have already filed a Motion to Consolidate that action with this case, as well as a case captioned ***Hammond v. Solutia, 06-cv-139-DRH***. Therefore, Applicants wish to intervene in this case for the express purpose of filing that same Motion to Consolidate.

Plaintiffs in this case have filed a Response (Doc. 74) to Applicants' Motion to Intervene. In their Response, Plaintiffs state that they do not object to the Motion to Intervene, nor to the underlying rationale of Applicants' proposed Motion to Consolidate. However, Plaintiffs make a premature argument to clarify that they

do not expressly agree with a total consolidation of the cases, but rather, advocate for a coordination of litigation. Their concerns will not be addressed in this Order, but will be considered once the parties have briefed the consolidation issue later on.

On its face, the instant matter seems appropriate for intervention pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 24(b)(2)**. Accordingly, the Court **GRANTS** Applicants' Motion to Intervene (Doc. 49) for purposes of filing their Motion to Consolidate. Applicants will now be referred to as "Plaintiff-Intervenors." Attached as exhibits to their Motion to Intervene (Doc. 70) was Plaintiff-Intervenors' proposed Motion to Consolidate and supporting memorandum. Plaintiff-Intervenors are hereby allowed to electronically file this motion and supporting memorandum, as it will not be deemed filed *instante*.

IT IS SO ORDERED.

Signed this 2nd day of June, 2006.

/s/ David RHerndon
United States District Judge